



THE WABASH CENTER

JOURNAL ON TEACHING

BUDDHIST PEDAGOGY

‘Teaching of’ and ‘Teaching about’ Meditation: The Legal Limits and Educational Prospects of a Contemplative Pedagogy

Peter Romaskiewicz
University of California, Santa Barbara

ABSTRACT

The growing interest in meditation and meditation-inspired classroom practices has garnered its share of advocates and detractors. The recent critiques in Candy Gunther Brown’s *Debating Yoga and Mindfulness in Public Schools* (2019) offer the most trenchant legal and ethical obstacles to implementing a contemplative education in American public schools. I trace the contours of Brown’s legal claims relevant to higher education and propose a pathway forward by arguing for the importance of underpinning contemplative practices with sound pedagogical theory. I offer one example of contemplative pedagogy based on metacognition as implemented in my Zen Buddhism course.

KEYWORDS

contemplative pedagogy, meditation, First Amendment Establishment Clause, teaching of religion—teaching about religion, metacognition

Framing the Issues

There has been an increasing focus on meditation and meditation-inspired classroom practices over the past decade due in part to the emerging field of contemplative pedagogy.¹ In the words of Louis Komjathy, contemplative pedagogy is an “emerging experiential and experimental educational methodology that explores contemplative practice and contemplative experience” (2018, 159). Because meditation or contemplation is not only an object of inquiry (what we study), but also a method of inquiry (how we study), contemplative practices have been embraced by educators outside of the theological and religious studies classrooms. In a seminal volume on this topic, Judith Simmer-Brown and Fran Grace further note that “there is no single contemplative pedagogy and no single prototype of the contemplative professor” (2011, xii). Because of its diversity of interests and advocates, contemplative

¹ A draft of this of essay was presented at the 2019 American Academy of Religion conference for the Buddhist Pedagogy Seminar. I wish to thank the organizers and co-panelists for the stimulating conversation. I also wish to thank Camille Savedra for helping me think through my numerous questions on Establishment Clause jurisprudence.

pedagogy functions as a malleable umbrella for practices as wide-ranging as reflective journaling, community activism, and formal meditation or mindfulness activities. Moreover, proponents claim these classroom practices lead to a more holistic education, where enhanced learning, deeper inquiry, and increased attentiveness, among other benefits, can be cultivated.²

These approaches are not without opponents, however, especially those raising concerns over covert religious indoctrination. Since many contemplative practices are openly recognized, and oftentimes promoted, as having origins in Asian religious traditions (especially Buddhism), these concerns may appear substantiated. When seemingly endorsed by institutional bodies, the worry is that religious practices would be unjustly thrust upon students within secular educational environments.

The responses to these attacks of covert proselytization are varied, but I want to focus on one particular cluster of apologia offered by prominent educators who use a “contextualized approach” to meditation in their courses (I discuss this approach and others below). Grace, for example, notes that “contemplative methods do not teach, encourage, or require students to become religious or to adopt a particular worldview or faith commitment” (Coburn et al. 2011, 169). Additionally, Harold Roth notes, “there is nothing students have to ‘believe’; they experiment with contemplative techniques without prior commitment to their efficacy” (Coburn et al. 2011, 170). Lastly, Simmer-Brown notes, “We are not creating little Buddhists, Hassids, Sufis, Daoists, or Trappists. . . contemplative practice is about cultivating less belief, and more direct experience” (Coburn et al. 2011, 169). I do not highlight these responses because they are problematic; they express real ethical concerns and exhibit rationalized “conversion protections” for students. At the same time, responses like these conform to a particular model of religious studies education that divides the faith-based seminary from the secular university. This division is often casually expressed as the difference between “teaching of” and “teaching about” religion. As long as these two domains remain disentangled, so it is presumed, student engagement with contemplative practices should remain ethically unproblematic. Furthermore, such carefully enacted distinctions in the classroom would, again presumably, not run afoul of the First Amendment Establishment Clause barring the endorsement of religion by a state-sponsored entity, like a public school or university.

These presumptions have recently been challenged in the provocative study by Candy Gunther Brown, *Debating Yoga and Mindfulness in Public Schools*. It is impossible to rehearse Brown’s lengthy and nuanced legal argument here, but the implicit tone and explicit conclusion of her work provides a strong warning against the unrecognized “reestablishment of religion” in American classrooms. Based on her considered opinion, Brown ultimately finds it unlikely for meditation to be taught in a fully secular manner in primary and secondary schools (Brown 2019a, 297).³ Elsewhere, citing both ethical and legal reasons, Brown notes that she abstains from meditation-inspired “critical first-person” or “introspective” exercises when teaching at the university level, even if she were to attempt to reframe the exercises as secular (Brown 2019b). It is hard to imagine how Brown’s trenchant criticisms would not have a chilling effect on those in higher education who have found these practices to have a positive educational impact or those curious to implement them.

Due to these concerns I would like to outline the contours of the Establishment Clause, based on the legal analysis of Brown and others, as it pertains to teaching meditation and other contemplative practices in public university and college settings and suggest some points of consideration. Specifically, I hope to distill a few of the core legal concerns and point to some possible misconceptions, especially regarding the “of-about distinction” for teaching religion. In brief, contrary to Brown’s abstentions, students in higher education have been considered less vulnerable to indoctrination than students in high school or of a younger age. Yet, I would suggest that Establishment Clause jurisprudence dictates that an educator’s claims of protection against student conversion are possibly not enough in isolation. Thus, I contend, clearly articulating sound pedagogical theory that motivates classroom instruction in contemplative practices may not only be a professional courtesy, but, minimally, an ethical responsibility and, maximally, a legal necessity. I end with a

2 For recent surveys examining different types of contemplative classroom practices, see Komjathy (2018, 159–199) and Owen-Smith (2018, 24–57). An interdisciplinary bibliography for contemplative education is maintained by the Center for Contemplative Mind in Society (2015).

3 I am reading Brown’s assessment as based in her views of how courts might rule should a practice like school meditation be legally challenged. I am only interested in drawing out Brown’s legal reasoning and analyzing how it impacts higher education.

discussion on how contemplative pedagogy, a field that is currently too insular, can begin to have deeper interactions with scholarship on teaching and learning to create a firmer basis in well-established educational theory. I illustrate this last discussion with use of Mind Labs in my course on Zen Buddhism.

Legal Limits: The *Lemon* Test and the Reasonable Observer

As of yet, no federal or state court has examined the Establishment Clause in conjunction with meditation in public schools, whether in primary, secondary, or higher education.⁴ Looking for an analogous court decision to provide guidance, Bradford Masters directs attention to *Sedlock v. Baird*, a 2013 San Diego County Superior Court case which decided to allow the teaching of yoga in public schools. As Masters notes, this case was selected, “not for precedential value, but as an example of how a modern court might deal with a similar question about meditation” (2014, 261). Critically, the *Sedlock* court determined that yoga, broadly considered, was religious, but that yoga as it was taught did not violate the Establishment Clause. Consequently, following Masters, this ruling opens the possibility for teaching contemplative practices as long as they are taught with a valid secular purpose.⁵ Brown, who testified as an expert witness in the *Sedlock* case, claims in her study that the court failed to correctly apply previous case law and subsequently “turned legal precedent on its head,” a point we will return to below (2019a, 113). Brown’s critiques of the *Sedlock* decision notwithstanding, a 2015 state appellate court affirmed the lower court’s decision (2019a, 134–137).

This decision might resonate with scholars of religion who also aver a crucial distinction between the teaching of religion and the teaching about religion. This language was used in the landmark 1963 *School District of Abington Township v. Schempp* Supreme Court decision where the court prohibited devotional Bible reading in public schools but allowed the Bible to be taught as a cultural, historical, and literary artifact. Importantly, as Sarah Imhoff (2016) has shown, the critical “of-about distinction” was already circulating among scholars of religion; it did not originate with the *Schempp* court. Moreover, incorporated as part of the concurrence penned by Justice Arthur Goldberg, the of-about distinction was not established as a test of constitutionality to which future cases could be measured, nor as Imhoff iterates, was the court necessarily concerned with applying its decision to higher education (2016, 3). The language of the court reflected common usage, albeit now afforded the air of authority because it was used by the highest court in the land and later cited by religious studies scholars and legal theorists to talk about college and university programs.

It should be noted that Brown uses the of-about distinction in slightly different manner than is customary, and this points to an important ambiguity. The ambiguity specifically appears in the meaning behind the teaching of religion. On one hand, in what could be called a normative interpretation, many scholars read teaching of religion to refer to the explicit or tacit agreement by students to understand the course’s claims normatively (as one might find in theological settings). In the sources analyzed by Imhoff, this appears to have been the typical interpretation of the phrase at the time of the *Schempp* decision (2016, 6–9). As I have noted, this general framework is also assumed by many advocates of contemplative pedagogy who protect students from assenting to commitments of faith. Ultimately, this reading reflects a relatively high threshold of permitted instruction since a student’s personal religious convictions would have to be transformed or otherwise coercively threatened. This allows for a critical reframing and specialized instruction in practices that *might* be deemed religious by some outside observers, but nevertheless do not require religious conviction of the student participants.

On the other hand, there is also a performative interpretation for “teaching of religion” that matter-of-factly points to students performing religious activities, regardless of their personal convictions. This is the interpretive stance taken by Brown who reads *Schempp* as a general proscription against the performance of religious practices by students. In its simplest terms, Brown understands the “teaching of” religion to indicate the “performance of” religion. To emphasize her point, Brown sometimes substitutes the language of “performing religious practices” for the more commonplace

4 While *Malnak v. Yogi* (1979) is the most comparable case, the court only addressed the constitutionality of teaching Transcendental Meditation (TM) in combination with the Science of Creative Intelligence (SCI) curriculum, not the meditative techniques alone (Masters 2014, 260). A concurrence by Third Circuit Justice Arlin Adams left open the possibility that TM could constitutionally be taught as an isolated technique (Brown 2019a, 41–2), but this dictum has a limited precedential value. Brown cites *Malnak v. Yogi* to support her abstention from teaching contemplation techniques in her university courses but fails to note the crucial role of SCI in the *Malnak* court’s decision (cf. Brown 2019b).

5 Taking the contemporary curriculum of TM as a case study, Masters ultimately argues that it “probably does not violate the Establishment Clause,” in contrast to the *Malnak*-era SCI/TM curriculum (Masters 2014, 294–5).

“teaching of religion” (Brown 2019a, 24; [Brown 2019b](#)). This then becomes the basis for Brown’s contention that the *Sedlock* court overturned *Schempp* precedent by allowing the mere practice of yoga (2019a, 137).⁶ This reading reflects a much lower threshold for permitted instruction since the simple performance of an apparent religious activity would be prohibited, regardless of religious conviction.

I will save the assessment of Brown’s assertions regarding court precedent to others, but it is important to emphasize that the of-about distinction is not typically determinative as part of modern Establishment Clause jurisprudence as Brown seems to hint.⁷ When adjudicating cases, courts have developed doctrinal tests based on constitutional foundations to determine a finding ([Bell 2001](#)). Per *Masters*, if meditation in public schools was challenged, the courts would most likely apply the *Lemon* test as first devised for the 1971 Supreme Court case *Lemon v. Kurtzman* (2014, 268). This was the test applied in the *Sedlock* decision, in which case the San Diego school district’s instruction in yoga passed. To pass, the challenged activity (yoga, meditation, etc.) must meet three criteria, called “prongs.” Namely, (1) it must have a valid secular purpose, (2) it must have a principal or primary effect that neither advances nor inhibits religion, and (3) it must not foster excessive entanglement with the government ([Masters 2014](#), 268; Brown 2019a, 24–5).

Both Brown and *Masters* consider the second prong the crux of the *Lemon* test, so I will focus my discussion there.⁸ A discussion in this area also sheds the best light on advisable pedagogical practices. The “effect” prong does not consider the intent of the actors promoting the challenged activity (in our case, the educators), but its immediate and direct effect on the receiving audience. Clarified by later Supreme Court decisions, courts may consider specifically whether the challenged activity “conveys a message of endorsement or disapproval,” to cite the language of Justice Sandra Day O’Connor (Brown 2019a, 28). Endorsement, if it is considered, does not address proselytization, although it may be considered a component, but whether the state is seen as promoting or being favorable towards a religion (Brady 2015, 33–34). Thus, when considering an endorsement effect, courts posit a hypothetical informed and reasonable observer and determine if that person would perceive a message of government endorsement of religion. The hypothetical observer would be in the position of a student in the classroom, not a parent or guardian, nor community member or school administrator, nor an expert on religious history. Moreover, by postulating a reasonable observer, the court also rejects what is known as the “heckler’s veto,” where every subjective perspective would need to be considered with equal weight (Brown 2019a, 29).

Let’s reflect to see how these considerations might guide classroom instruction. One apparent concern is making sure students hold a clear understanding of why they are engaging in an activity such as contemplation, meditation, or mindfulness. Stating a clear (secular) pedagogical purpose of the activity may be legally desirable so as not to have students believe that the state, operating through the publicly funded educator or institution, is somehow endorsing a religion or religious practice. Simply asserting that there is no covert attempt at proselytization may not, on its own, adequately frame the activity or communicate its educational purpose to the student. Ultimately, I consider an educator’s clarity of purpose for contemplative exercises not distinct from articulating an activity’s learning outcome, a fairly standard pedagogical practice. A call for this clarity also assists instructors with our own critical reflection so as to avoid promoting “playing Buddhist” or offering a “buffet-style” course comprised of superficial contemplative activities. As other have noted, such practices run the risk of cultural appropriation and cultural imperialism (Brown 2019a, 287–291; Simmer-Brown 2011; Purser 2019).

There is a further final point that merits strong consideration here. Courts have consistently noted that students’ age, generally seen as an index for having more life-experience and abstract cognitive ability, is relevant when applying doctrinal tests. Coincidentally, on the same day the Supreme Court decided *Lemon*, it also gave its decision on *Tilton v. Richardson*, another Establishment Clause case that applied the *Lemon* test. The *Tilton* decision states that “there is substance to the contention that college students are less impressionable and less susceptible to religious indoctrination,” and as a

6 Brown’s interpretation makes sense in the context of the challenged, and ultimately barred, activity by the *Schempp* court: the uncontextualized reading of Bible verses in public schools. As we will see, the *Sedlock* court did not apply a straightforward reading of *Schempp*, but used a test developed in more recent cases to determine its findings.

7 For example, Brown cites the *Schempp* decision to illustrate the impermissibility of having college students perform contemplative practices (Brown 2019b). While one can make this argument, it also obscures the development of Establishment Clause jurisprudence since the *Schempp* decision.

8 The first prong is typically easy to pass as long as the proposed secular purpose of the challenged activity is not a fabrication. The third prong is typically only problematic if a religious organization has control over the content of instruction. Of course, there can be much variation in the fact patterns between individual cases thus attracting the court’s attention unevenly to different prongs. A more thorough reading of the *Lemon* test can be found in Brown (2019a, 24–29) and especially McConnell (2002, 372–398).

result colleges and universities “are characterized by a high degree of academic freedom” (Alexander and Alexander 2017, 69). Moreover, *Tilton* finds that in college “there is less likelihood than in primary and secondary schools that religion will permeate the area of secular education” (2017, 69). In sum, this points to a growing belief in the Supreme Court that students in higher education can adequately bracket classroom activities from attempts at religious endorsement (or proselytization), even if these activities might otherwise be barred for younger age groups. Legal scholars have noted the sometimes inconsistent manner in which the Supreme Court has adjudicated Establishment Clause cases (Bell 2001), but based on the trends of previous rulings, there appears to be sufficient room for contemplative practices in college and university classrooms to be offered within the bounds of constitutional law.

Of course, the implementation of such practices within a classroom extends well beyond legal considerations. Decisions are also made according to one’s interests, educational goals, familiarity with contemplative techniques, or personal ethical concerns. Additionally, the consideration of a school’s student population and institutional profile may present different barriers or pathways to contemplative instruction.⁹ Brown personally employs an opt-in model of informed consent that meets her personal standards (Brown 2019a, 297–305).¹⁰ Other educators employ a voluntary (opt-out) approach, with alternative work of equal value being offered for students who abstain (e.g. Roth 2019). When contemplative practices form the core of the course and are thus required, careful attention can be given to class advertising and the first class meeting should carefully outline the objectives of the course, giving students the option to drop (e.g. Komjathy 2018, 177–184). Optional grading, student self-grading, or emphasis on reflective writing or communication (not necessarily “seated” practice), can all be implemented as “release values” to meet the educational and ethical preferences of the instructor.

Educational Prospects: Approaches to Contemplative Practice in Higher Education

While scholarship on contemplative pedagogy is less than two decades old, there is already a proliferation of contemplative techniques that can be culled from the literature. Traditional Buddhist meditation comprises only a portion of those techniques, yet it is easy to get confused by the relationship between some of the commonly recommended practices. To help clarify these matters, I list three broad categories of contemplative practice. Each set of techniques, generally considered, has its own educational goals; thus contemplative educators may draw upon one or all of them depending on their specific needs.

One group of practices has been termed “hygienic” or “Jamesian,” from psychologist William James (Smith n.d.; Houck 2019).¹¹ These practices largely concern calming the mind, creating inner stillness, and increasing focused attention, and as such overlap considerably with modern mindfulness techniques that aim to cultivate concentration and alleviate anxiety. Undoubtedly, this set of practices finds support in educational circles across disciplines due to the popularity of modern mindfulness which is portrayed as an evidenced-based set of techniques backed by contemporary neuroscience. Consequently, ties to institutionalized religious practices are often downplayed or effaced.

Another group of practices involves what Anita Houck has called the “contextualized” approach, which amounts to immersing students within the textual or lived tradition of a contemplative practice and having students practice it. This more typically falls within the disciplinary purview of religious studies or theology. For Komjathy, this approach reflects the cultivation of a disciplined “critical subjectivity” in which students are required to reflect on “unquestioned assumptions, ingrained opinions, and unrecognized biases” as part of the overall contemplative experience (2018, 169). Importantly, the primary texts and related religious communities remain the interpretive authorities as students attempt to form a sympathetic understanding of the material, as well as develop an intellectual generosity. A distinctive feature is that students are committed to a single contemplative practice for the duration of the term (2018, 169–170). A slightly different

9 For comparison, Jenna Gray-Hildenbrand and Rebekka King offer an insightful discussion and practical insight into the alignment of the newly created religious studies degree program at Middle Tennessee State University with the student body and the institution’s mission and diversity statement (2019).

10 Brown’s urging that public university educators only teach contemplative practices during “noninstructional hours” overlooks the *Tilton* and *Roemer* decisions which grant more leniency to teachers in higher education (cf. Brown 2019b).

11 The link to James is based on his noted preference for education that trains wandering attention (Houck 2019, 118), a hallmark of modern mindfulness practices which lie at the heart of this category.

approach is used by Roth (2006). He employs “critical first-person learning,” where students’ contemplative experiences are combined with traditional academic “third-person” approaches, namely, the critical reading of contemplative texts which, in turn, generate insightful discussion among students for the variety of different techniques they each engage. Roth also envisions a greater purpose in having students “discover fundamental dimensions of their nature as humans” (2006, 1789). For Christopher Key Chapple, this approach embodies the learning by doing principle where student can explore their “hitherto largely unknown intellectual and psychic processes” ([Brucker and Chapple 2017](#)). This is accomplished by having students form small “learning communities” and engage in meditation practice with local teachers, participate in local temple activities, and keep journals about their experience. Thus, even within the contextualized approach, individual educators will shape the curriculum in distinctive ways that match their interests and resources.

Between these two categories range individual practices that do not fall neatly into either one. Victoria Smith has suggested the name “modes of inquiry” for exercises that combine a hygienic practice with some other activity such as writing or drawing ([n.d.](#)). Since many other contemplative practices, such as reflective journaling, free writing, deep listening, deep reading (sometimes called *lectio divina*), and so forth, typically share a foundation in focused attention or inward reflection, a catchall category of modes of inquiry will work for the purposes of our discussion.

I would argue the reason many of the practices above, especially in the second and third categories, are envisioned to fall within a contemplative framework is they involve at some level thinking about thinking, or metacognition. Yet, direct reference to metacognition is rare in literature on contemplative pedagogy. Given the emphasis often placed on reflection, this is odd. Even more rare is reference to the growing field of metacognitive studies in education, which has even spawned its own dedicated journal, *Metacognition and Learning*. Some of the thrust behind the contemplative pedagogy movement comes from its presumed ability to fill in the gaps of so-called traditional education. This, unfortunately, also engenders a parochialism where reference to “non-contemplative” pedagogical theory is too uncommon. As noted by Patricia Owen-Smith, the expertise found in the Scholarship on Teaching and Learning could “potentially yield an expanded consciousness about the significance of introspective methods to deep learning” (2018, 21).¹² While metacognition can be defined simply as thinking about thinking, an expanded understanding would include the planning, monitoring, evaluation, and regulation processes that, when explicitly taught, can be highly effective for learning. This effectiveness is often testified to in research studies, including a recent meta-analysis that found metacognition predicted academic performance even when controlling for intelligence (Ohtani and Hisasaka 2018). I do not mean to presume that contemplative practice and metacognitive practice map perfectly onto one another, but there seems to be enough overlap that a bridging of ideas could bear fruit. I would also suggest metacognition is a good avenue of inquiry for educators looking to develop contemplative practices that are based in sound, secular pedagogical theory.

I will use this point to pivot to how I utilize aspects of contemplation and metacognition in a course on Zen Buddhism. Reflective components are built into several layers of the class. For example, on a more mundane level, I have drawn regularly from the catalogue of classroom assessment techniques (CATs) first gathered by Thomas Angelo and K. Patricia Cross (1993). While many of these are now considered long-standing active learning strategies, several are especially helpful in promoting student metacognition and, I would argue, find a natural home in the “modes of inquiry” approach to contemplative pedagogy. Minute Papers, where at the end of class students reflect and write briefly what they thought was the most important topic of the day, and Muddiest Point Papers, where students reflect on a confusing issue, set an important tone about how the course will be conducted and the reflective habits of mind I wish students to cultivate. Importantly, regularly identifying points of confusion and explicitly asking students to acknowledge and embrace their confusion can lead to a learning environment where not-knowing is seen as a valuable part of the learning process ([Tanner 2012](#), 116). In addition, reading assignments employ a modified Double-Entry Journal technique, where students cite passages from the text that are meaningful or controversial and explain their personal significance. This helps students assess their own patterns of reading, noticing both what and why certain themes and ideas are personally salient (Angelo and Cross 1993, 263).

¹² I disagree with Owen-Smith’s contention, however, that there are few studies on student reflection and ways to implement reflective exercises in the classroom (2018, 40).

Pertaining more to the content of the course, I devised formative assessment exercises called “Mind Labs.” Using both thought experimentation and small group discussion, my goal is to have students more deeply probe the meditative practices we are engaging largely through historical documents. The primary directive, which is explained in class, is to have students reflect upon their own assumptions about the human mind and to articulate, even nascently, a position about the nature of mind or how it functions. These ideas are challenged or refined through discussion and then used as analytical leverage to understand a textual description of a meditative practice, a component of practice, or a cognitive state. Thus, Mind Labs are meant to assist in understanding and developing skillful critical reading of historical sources.

The Mind Lab activities, which are held at the outset of class, run as follows. After posing a question or a set of questions I have students reflect quietly on their response for a few minutes. After the determined time, students initially respond through “polling apps” they access on their cellular phones or computers (or on slips of paper, if necessary). When using a polling app such as Mentimeter, responses can be tallied automatically and conveyed as illustrative charts to show the range of class opinions. (These charts also function as a record I keep for my own assessment of the activity.) Students then break into small groups to clarify individual responses and make observations about larger trends visible in the charts. I then engage in a class discussion where I ask further “checking” questions and invite students to comment on their peers’ responses. I consider this last collaborative aspect crucial to the development and articulation of ideas that many students did not consciously hold when the class first started. These understandings are finally “measured” against passages drawn from primary sources so comparisons can be made and a deeper discussion about the text can be held.

A few examples are in order. One of the first exercises I do involves students tallying how many times they are distracted within a set period of time, usually only two or three minutes. I tell them to place the tip of a pen or pencil on a sheet of paper and to focus their attention on that point of contact. Every time they lose focus, they are to mark a tally line, reposition the pen, and start again. At the end they total their tallies. During discussion, in addition to sharing results and talking about the biggest distractors (I tell them they can be as specific or generic they like), I have students assess how they decided what counted as a distraction and what they considered continuous attention. Did they consider the ticking of the clock a distraction or could they simultaneously concentrate on the pen nib *and* the clock? Did they consider several seconds of distraction to be worth one or more tally marks? Was applying continuous attention or refocusing attention after distraction more difficult? The subsequent class discussions form a foundation for the day’s lesson on the Buddhist conception of mind which was formulated through debates on similar questions.¹³ During class conversation I do not steer students to the “correct” answer given by Buddhist thinkers, but have the students utilize their reasoned opinion to better conceptualize the depth and scope of historical debates on such issues.

A second exercise plays on misconceptions students often have when first encountering meditation—I ask them to try and think of nothing. For those who were successful, I ask them to describe the technique they used, and for those who were unsuccessful, I ask them to state whether they believe “thinking of nothing” is fully possible. Through discussion students refine their understanding of “nothingness” and debate the possibility of such a mental experience.¹⁴ Other Mind Lab exercises include questions regarding spontaneity, the nature of non-duality, sitting posture, and the existence of pure (or impure) human nature. Typically, these exercises are done every other or every third class, and last about twenty minutes in total.

Overall, students have responded favorably to these exercises, often noting they were effective in helping them learn the relevant material. They are commonly mentioned among the more memorable aspects of the course. As formative assessments, the exercises are not graded, but I cycle through the roster to ensure every student has the opportunity to lead and report on the discussions that occur during the small group activities. Ultimately, I understand my contemplative classroom activities to be a form of apprenticeship into thinking deeply, where students can develop into better analytical thinkers, thoughtful communicators, and critical readers.

¹³ Specifically, I use this exercise to introduce the theory of momentariness, and the mental functions of application and examination.

¹⁴ This exercise is used to introduce Buddhist ideas of non-conceptual thought, including the Zen claims about no-mind and no-thought.

Conclusion

Contemplative practices employed in educational settings can range from formal meditation practices, to modern mindfulness techniques, to more commonplace classroom activities that place emphasis on focused concentration and self-reflection. While Candy Gunther Brown has recently called into question the legal viability of using meditation or mindfulness in public colleges and universities, I contend that US courts have historically given a greater latitude of academic freedom to instructors in higher education. Nevertheless, as a best practice, educators should root their contemplative activities in sound pedagogical theory and clearly explain their reasoning to students. One of the more neglected avenues that bridge modern pedagogical theory with contemplative practice is metacognition, or simply thinking about thinking.

BIBLIOGRAPHY

- Alexander, Kinton W., and Kern Alexander. 2017. *Higher Education Law: Policy and Perspectives*. 2nd ed. New York, NY: Routledge.
- Angelo, Thomas A., and K. Patricia Cross. 1993. *Classroom Assessment Techniques: A Handbook for College Teachers*, 2nd ed. San Francisco, CA: Jossey-Bass.
- Barbezat, Daniel, and Mirabai Bush. 2014. *Contemplative Practices in Higher Education: Powerful Methods to Transform Teaching and Learning*. San Francisco, CA: Jossey-Bass.
- Bell, Ashley M. "“God Save This Honorable Court”: How Current Establishment Clause Jurisprudence can be Reconciled with the Secularization of Historical Religious Expressions." *American University Law Review* 50, no. 5: 1273–1320. <https://digitalcommons.wcl.american.edu/aulr/vol50/iss5/4/>.
- Brady, Kathleen A. 2015. *The Distinctiveness of Religion in American Law: Rethinking Religious Clause Jurisprudence*. New York, NY: Cambridge University Press.
- Brown, Candy Gunther. 2019a. *Debating Yoga and Mindfulness in Public Schools: Reforming Secular Education or Reestablishing Religion?* Chapel Hill, NC: University of North Carolina Press.
- Brown, Candy Gunther. 2019b. "Why I Do Not Use Contemplative Pedagogy in the Public University Classroom." *Religious Studies News*, June 18, 2019. <https://rsn.aarweb.org/spotlight-on/teaching/contemplative-pedagogy/why-i-do-not-use-contemplative-pedagogy-public-university-classroom>.
- Brucker, Jane, and Christopher Key Chapple. 2017. "Contemplative Pedagogy: A Descriptive Account of Two Approaches to Student Engagement at Loyola Marymount University." *International Journal of Dharma Studies* 5, no. 7. <https://doi.org/10.1186/s40613-017-0046-z>.
- Center for Contemplative Mind in Society. 2015. Contemplative Education Bibliography. <http://www.contemplativemind.org/resources/bibliography>.
- Coburn, Tom, Fran Grace, Anne Carolyn Klein, Louis Komjathy, Harold Roth, and Judith Simmer-Brown. 2011. "Contemplative Pedagogy: Frequently Asked Questions." *Teaching Theology and Religion* 14, no. 2: 167–74. <https://doi.org/10.1111/j.1467-9647.2011.00695.x>.
- Gray-Hildenbrand, Jenna, and Rebekka King. 2019. "Teaching in Contexts: Designing a Competency-Based Religious Studies Program." *Teaching Theology and Religion* 22, no. 3: 191–204. <https://doi.org/10.1111/teth.12495>.
- Houck, Anita. 2019. "Contemplative Pedagogy: Experiments and Reflections." *Horizons* 46, no. 1: 113–21. <https://doi.org/10.1017/hor.2019.3>.

- Imhoff, Sarah. 2016. "The Creation Story, or How We Learned to Stop Worrying and Love Schempp." *Journal of the American Academy of Religion* 84, no. 2: 466–97. <https://doi.org/10.1093/jaarel/lfvo60>.
- Komjathy, Louis. 2018. *Introducing Contemplative Studies*. Hoboken, NJ: John Wiley & Sons.
- Masters, Bradford. 2014. "The (F)law of Karma: In Light of *Sedlock v. Baird*: Would Meditation Classes in Public Schools Survive a First Amendment Establishment Clause Challenge?" *California Legal History* 9: 255–95. https://www.cschs.org/wp-content/uploads/2014/05/CLH14_web-summary.pdf#page=65.
- McConnell, Michael W., John H. Garvey, and Thomas C. Berg. 2002. *Religion and the Constitution*. New York, NY: Aspen Law & Business.
- Ohtani, Kazuhiro, and Tetsuya Hisasaka. 2018. "Beyond Intelligence: A Meta-analytic Review of the Relationship among Metacognition, Intelligence, and Academic Performance." *Metacognition and Learning* 13, no. 2: 179–212. <https://doi.org/10.1007/s11409-018-9183-8>.
- Owen-Smith, Patricia. 2018. *The Contemplative Mind in the Scholarship of Teaching and Learning*. Bloomington, IN: Indiana University Press.
- Purser, Ronald E. 2019. *McMindfulness: How Mindfulness Became the New Capitalist Spirituality*. London, UK: Repeater.
- Roth, Harold D. 2006. "Contemplative Studies: Prospects for a New Field." *Teachers College Record* 108, no. 9: 1787–1815.
- Roth, Harold D. 2019. "Contemplative Pedagogy." *Religious Studies News*, June 18, 2019. <https://rsn.aarweb.org/spotlight-on/teaching/contemplative-pedagogy/contemplative-pedagogy-roth>.
- Simmer-Brown, Judith. 2011. "Training the Heart Responsibly: Ethical Considerations in Contemplative Teaching." In *Meditation and the Classroom: Contemplative Pedagogy for Religious Studies*, edited by Judith Simmer-Brown and Fran Grace, 107–120. Albany, NY: SUNY Press.
- Simmer-Brown, Judith, and Fran Grace. 2011. *Meditation and the Classroom: Contemplative Pedagogy for Religious Studies*. Albany, NY: SUNY Press.
- Smith, Victoria. n.d. "Contemplative Practices in Foreign Language Education at the Postsecondary Level." Accessed October 1, 2020. <https://www.brown.edu/academics/contemplative-studies/sites/brown.edu/academics/contemplative-studies/files/uploads/ContemplativeFLA.pdf>.
- Tanner, Kimberly D. 2012. "Promoting Student Metacognition." *Life Sciences Education* 11, no. 2: 113–120. <https://doi.org/10.1187/cbe.12-03-0033>.

ABOUT THE AUTHOR

Peter Romaskiewicz is a Ph.D. candidate at the University of California, Santa Barbara. He specializes in medieval Chinese religions and the spread of Buddhism into East Asian.

